TC4993

UNITED NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.42
24 August 1992

Original: ENGLISH

13 Y
6 No
4 Abst.

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Mr. Bossuyt, Mr. Eide, Mr. Joinet and Mr. Saboia

1992/.. Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

GE.92-13603/0503K (E)

Recalling resolution 37/30 of 23 November 1982 of the General Assembly, in which it requested the Secretary-General to initiate consultations with all parties directly concerned to resolve the conflict in East Timor,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987, 1989/7 of 31 August 1989 and 1990/15 of 30 August 1990 concerning the situation in East Timor,

Bearing in mind the consensus statements by the Chairman of its forty-third session (E/CN.4/Sub.2/1991/SR.26) and the Chairman of the Commission on Human Rights, adopted on 4 March 1992, at its forty-eighth session (E/CN.4/1992/SR.54/Add.1),

Having examined the report of the visit to East Timor by the Special Rapporteur on the question of torture, Mr. Peter Kooijmans (E/CN.4/1992/17/Add.1),

Appalled at the loss of life and injuries among civilians resulting from the violent incidents in Dili on 12 November 1991, and concerned at the fate of those who are missing,

Welcoming the decision of the Secretary-General to send Mr. Amos Wako as his Personal Envoy to inquire into the violent incidents of 12 November 1991,

Regretting that the conclusions of the National Commission of Inquiry set up by the Indonesian Government failed, in its conclusions to identify clearly those responsible for the killings,

Considering that the Government of Indonesia had undertaken to adopt the measures necessary towards the implementation of the recommendations of the Special Rapporteur on the question of torture,

Disturbed by the heavy sentences passed on the East Timorese involved in peaceful political activities on the basis of the "Anti-Subversion Law" whose abrogation had been recommended by the Special Rapporteur on the question of torture of the Commission on Human Rights,

Disturbed also by reports of continuing human rights violations in East Timor,

Disappointed by the persistent denial of access to the territory to human rights organizations,

1. ~~Condemns the massacre of~~ Deeply deplores the tragic events occurred in Dili on 12 Nov 1991, in which East Timorese civilians, including women and children, ~~on 12 November 1991, in Dili,~~ were killed;

2. Expresses its utmost concern at reports of continuing widespread human rights violations in East Timor;

3. Invites the Secretary-General to transmit the full report of his Personal Envoy, Mr. Amos Wako, to the Commission on Human Rights at its forty-ninth session;

4. Requests the Secretary-General in the preparation of his report on the situation in East Timor for consideration by the Commission on Human Rights under item 12 to include an analytical compilation of all information received from, inter alia, Governments, intergovernmental and non-governmental organizations;

5. Commends the decision of the Government of Indonesia to set up a National Commission of Inquiry, but regrets that investigation of the actions of the armed forces on 12 November 1991 has not been followed through and invites the Indonesian authorities to cooperate in the preparation of the above-mentioned report of the Secretary-General by providing information on the complementary measures to bring the members of the armed forces responsible to justice;

6. Urges the Government of Indonesia to provide the Working Group on Enforced or Involuntary Disappearances information regarding the missing persons;

7. Also urges the Indonesian authorities on humanitarian grounds to cooperate with the families of the victims by providing information about the dead and the whereabouts of their remains for proper burial;

8. Calls upon the Indonesian authorities to honour their commitment to facilitate access to East Timor by humanitarian and human rights organizations;

9. Decides to review the situation in East Timor at its forty-fifth session and to this end asks the Secretariat to transmit to it all available information concerning the human rights situation in the territory.